

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

ANN HUNTER,

Petitioner,

vs.

STATE OF OHIO,

Respondent.

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Case No. 3:09cv055

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE (DOC. #9) IN THEIR
ENTIRETY, AND OVERRULING PETITIONER'S OBJECTIONS THERETO
(DOCS. #10 AND #11); JUDGMENT TO BE ENTERED IN FAVOR OF
RESPONDENT AND AGAINST PETITIONER, DISMISSING THE PETITION
FOR WRIT OF HABEAS CORPUS WITH PREJUDICE; ANY REQUESTED
CERTIFICATE OF APPEALABILITY AND REQUEST TO APPEAL *IN*
FORMA PAUPERIS DENIED; TERMINATION ENTRY

Based upon the reasoning and citations of authority set forth by the United States Magistrate Judge, in his Report and Recommendations, filed July 21, 2009 (Doc. #9), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court adopts said Report and Recommendations in their entirety, and overrules the Petitioner's Objections thereto (Docs. #10 and #11).

The first four grounds set forth in her Petition for Writ of Habeas Corpus are procedurally defaulted by failure to present them at any time in the state courts.

The Petitioner's fifth and sixth grounds are denied on their merits.

Judgment is to be entered in favor of the Respondent and against Petitioner herein, dismissing the Petitioner's Petition for Writ of Habeas Corpus with prejudice. Given that reasonable jurists would not disagree with the conclusion reached herein, and that the Petitioner has failed to make out a substantial showing of the denial of a constitutional right, this Court would deny any requested Certificate of Appealability and Request to Appeal *In Forma Pauperis*.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

/s/ Walter Herbert Rice

September 14, 2009

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Ann Hunter, Pro Se

Stephanie L. Watson, Esq.

Magistrate Judge Michael R. Merz